

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PSHATOIA LAROSE,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Case No. [3:24-cv-02039-WHO](#)

**ORDER GRANTING IFP AND SUA
SPONTE REMANDING CASE TO
STATE COURT**

Re: Dkt. No. 2

Plaintiff Pshatoia Larose removed this case from the Superior Court of California, Santa Clara County, where Larose filed the case against defendant Apple, Inc., in September 2023. [Dkt. No. 1] at pdf 5. On February 6, 2024, the state court sustained Apple's demurrer to Larose's amended complaint and gave Larose ten days to file an amended complaint. *Id.* at pdf 129. When Larose failed to file an amended complaint, Apple filed a motion to dismiss and demurrer with a hearing set for April 11, 2024. *Id.* at pdf 135. Rather than respond to that pending motion, on April 1 Larose filed a notice of removal of her own case to federal court. [Dkt. No. 1].

Larose does not explain why she can remove the case that she filed in state court, or why the 30-day deadline for removal would not apply. *See* 28 U.S.C. § 1446. Because the case was improperly removed from state court, I sua sponte REMAND the case to the Superior Court of California in Santa Clara County, where the court may address the defendant's pending motion.

Larose's application to proceed in forma pauperis, [Dkt. No. 2], is GRANTED.

IT IS SO ORDERED.

Dated: April 8, 2024



William H. Orrick
United States District Judge